

United States District Court  
STATE AND DISTRICT OF MINNESOTA

**RECEIVED**

AUG 25 2010

CLERK, U.S. DISTRICT COURT  
ST. PAUL, MINNESOTA

UNITED STATES OF AMERICA

v.

JUAN PABLO ARVIZU-CRUZ

**CRIMINAL COMPLAINT**

Case Number: 10mj 342 AJB

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about April 18, 2010, in Scott County, in the State and District of Minnesota, defendant, an alien who had previously been deported from the United States on or about March 25, 2009, subsequent to conviction for an aggravated felony, namely, a conviction on or about March 11, 2009, in Scott County, Minnesota, for Terroristic Threats, knowingly and unlawfully entered and was found in the United States without having obtained the consent of the Attorney General of the United States, or his successor, the Secretary of Homeland Security, to re-apply for admission into the United States in violation of Title 8, United States Code, Section(s) 1326(a) & 1326(b)(2).

I further state that I am a(n) Deportation Officer and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Sworn to before me, and subscribed in my presence,

Date

August 25, 2010  
The Honorable Arthur J. Boylan  
UNITED STATES MAGISTRATE JUDGE

Name &amp; Title of Judicial Officer

Signature of Complainant

Dustin Halverson  
ICE/DHSSt. Paul, MN  
City and State

Signature of Judicial Officer

**SCANNED**

AUG 25 2010

U.S. DISTRICT COURT ST. PAUL

STATE OF MINNESOTA)

)


ss. **AFFIDAVIT OF DUSTIN HALVERSON**

COUNTY OF HENNEPIN)

1. I am employed with Immigration and Customs Enforcement (ICE) within the Department of Homeland Security (DHS). I have been so employed since April 1, 2007 when I began my career as an Immigration Enforcement Agent. On August 1, 2009, I became a Deportation Officer.
2. As a Deportation Officer, my duties and responsibilities include overseeing the cases of aliens in removal proceedings. I am also responsible for reviewing alien files in connection with the detention and release of aliens in ICE custody.
3. This affidavit is based on my training, experience, personal knowledge, and my review of official reports and documents related to this investigation. This affidavit is also based on my discussions with other law enforcement officers and agents directly involved in this investigation.
4. This affidavit is made for the purpose of establishing probable cause in support of a federal arrest warrant for Juan Pablo ARVIZU-CRUZ charging him with being an alien who had previously been deported from the United States subsequent to a conviction for an aggravated felony who was found in the United States, and who had knowingly and unlawfully entered the United States without having obtained the consent of the Attorney General of the United States, or his successor, the Secretary of Homeland Security, to reapply for admission into the United States, in violation of Title 8, United States Code, Sections 1326(a) and 1326(b)(2). Accordingly, this affidavit contains only a summary of relevant facts.
5. ICE maintains an alien file on ARVIZU-CRUZ, which is file A094 071 346 (hereinafter "A file"). I have reviewed that file and determined ARVIZU-CRUZ is a citizen and national of Mexico who makes no claim to United States citizenship or lawful permanent residence status in the United States.
6. ARVIZU-CRUZ's A file shows that he pled guilty on March 11, 2009 to the crime of Terroristic Threats, in Scott County, Minnesota. ARVIZU-CRUZ was sentenced on 366 days confinement.
7. ARVIZU-CRUZ's A file shows that on March 25, 2009, subsequent to his conviction for Terroristic Threats, in Scott County, Minnesota, ARVIZU-CRUZ was removed from the United States to Mexico, at Laredo, Texas.
8. On or about April 18, 2010, ARVIZU-CRUZ was encountered by an Immigration Agent in the Scott County Jail in Minneapolis, Minnesota, where he was jailed for a conviction for driving while under the influence.

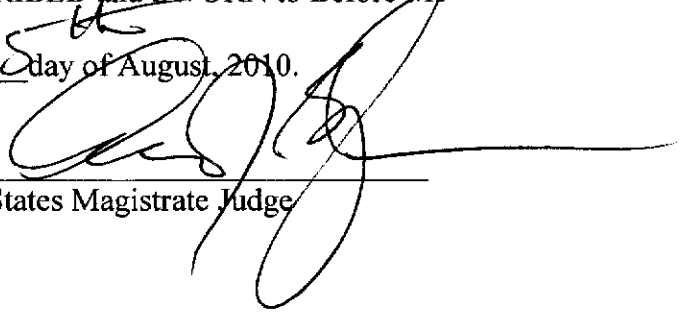
9. Review of ARVIZU-CRUZ's A file reveals that subsequent to his removal from the United States on March 25, 2009, ARVIZU-CRUZ has not applied for, nor received, permission to enter the United States from the Attorney General of the United States, or his successor, the Secretary of Homeland Security.
10. Based on these facts, I believe that Juan Pablo ARVIZU-CRUZ has violated Title 8, United States Code, Sections 1326(a) and 1326 (b)(2).

Further Your Affiant Sayeth Not.

  
\_\_\_\_\_  
Dustin Halverson, Deportation Officer  
Immigration and Customs Enforcement

SUBSCRIBED and SWORN to Before Me

This 25<sup>th</sup> day of August, 2010.

  
\_\_\_\_\_  
United States Magistrate Judge